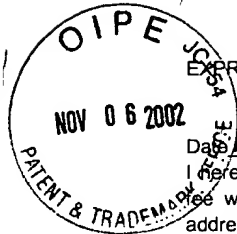


11-8-02

1645

#9
Jmr
11/3/02



EXPRESS MAIL CERTIFICATE

208554385US

Date 11/06/02 Label No. EV
I hereby certify that, on the date indicated above, this paper or
was deposited with the U.S. Postal Service & that it was
addressed for delivery to the Assistant Commissioner for
Patents, Washington, DC 20231 by "Express Mail Post Office to
Addressee" service.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR
CREDIT ANY EXCESS IN THE FEES DUE WITH THIS
DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

A. Stantini
Name (Print)

A. Stantini
Signature

Customer No.:



Docket No: 7529/1H460US2

07278

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ali HEMMATI-BRIVANLOU and Daniel C. WEINSTEIN

Serial No.: 09/755,325

Art Unit: 1645

Confirmation No.: 7033

Filed: January 5, 2001

Examiner: Robert ZEMAN

For: TRANSLATION INITIATION FACTOR 4AIII, AND METHODS OF USE THEREOF

RECEIVED
NOV 13 2002
TECH CENTER 1600/2900

PETITION UNDER 37 C.F.R. § 1.10(e) TO CONSIDER
CORRESPONDENCE FILED ON THE USPS DEPOSIT DATE

Hon. Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

Applicants, through the undersigned agent, hereby petition the
Commissioner under 37 C.F.R. § 1.10(e) to consider the Response to Restriction
Requirement for this application, which was deposited with the U.S. Postal Service
(USPS) by Express Mail on April 17, 2002, as being timely filed in the U.S. Patent and

Trademark Office (USPTO) on that same day. The following documents are submitted herewith in support of this Petition:

- Exhibit A: a true copy of the original Response to Restriction Requirement that was deposited in the U.S. Postal Service (USPS) on April 17, 2002 and showing the Express Mail number EV 028 722 082 US;
- Exhibit B: a true copy of the original return receipt Postcard that was submitted with the original Response to Restriction Requirement on April 17, 2002 and also showing the Express Mail number EV 028 722 082 US; and
- Exhibit C: a true copy of the Express Mailing Label number EV 028 722 082 US stamped by the USPS to indicated April 17, 2002 as the "date-in".

REMARKS

On November 5, 2002, Examiner Robert Zeman telephoned the undersigned agent and inquired as to whether a response had been filed to the Office Action mailed on March 20, 2002 for this application. Examiner Zeman informed the undersigned that no response had been received by the USPTO. Applicants thank Examiner Zeman for the courtesies extended in that telephone call, and respectfully point out that a response to the Office Action was timely filed for this matter. In particular, a Response to Restriction

Requirement (hereinafter referred to as the "Response") was deposited with the USPS by Express Mail on April 17, 2002 and in accordance with 37 C.F.R. § 1.10. Applicants' were not aware that the USPTO had no evidence of receiving that document until November 5, 2002, when Examiner Zeman telephoned the undersigned agent.

A true copy of the originally mailed Response is attached hereto at Exhibit Tab A. Also attached hereto, at Exhibit Tab B, is a true copy of a return receipt postcard that was mailed with the Response. The original postcard has not been returned by the USPTO. As can be seen by inspecting the attached copies, however, both the originally mailed Response and the postcard were imprinted with the number of the Express Mail mailing label EV 028 722 082 US.¹ A true copy of the Express Mail mailing label EV 028 722 082 US is therefore provided here, at Exhibit Tab C. That label has been stamped by the USPS, showing April 17, 2002 as the "date-in" when the Express Mail envelope bearing that label and containing the original Response was deposited with the USPS.

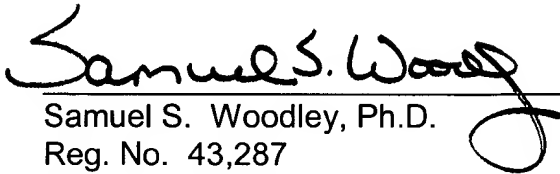
Based on the foregoing, Applicants respectfully request that the Commissioner consider the Response to Restriction Requirement as having been timely

¹ Applicants point out that the original Response actually includes an Express Mail Certificate, imprinted with the above-mentioned Express Mail label number and signed by Angelina Dilullo, a docketing paralegal at Darby & Darby, P.C., certifying that on April 17, 2002 she actually deposited that document with the U.S. Postal Service, addressed pursuant to 37 C.F.R. § 1.1(a), by "Express Mail Post Office to Addressee" service.

filed in the USPTO on April 17, 2002 – the date when that document was deposited with the USPS.

Respectfully submitted,

Dated: November 6, 2002


Samuel S. Woodley, Ph.D.

Reg. No. 43,287

Agent for Applicants

DARBY & DARBY, P.C.

Post Office Box 5257

New York, N.Y. 10150-5257

Phone (212) 527-7700

Attachments (Exhibits A-C)

Ex-b.

Return of this card properly stamped, will acknowledge receipt of:

**1. RESPONSE TO RESTRICTION REQUIREMENT
(3 PAGES)**

(ALL ACCOMPANIED BY EXPRESS MAIL CERTIFICATE)

Applicant : Ali Hemmati-Brivanlou et al.
Serial No. : 09/755,325
Filed : May 1, 2001
For : **TRANSLATION INITIATION FACTOR
4AIII, AND METHODS OF USE THEREOF**

EU0 2 8 7 ' 2 2 0 8 26

Attorney : Samuel S. Woodley, Ph.D./adc
File No. : 7529/1H460US2

Mailed : April 17, 2002

Mailer *AD*

EX-C



POST OFFICE TO ADDRESSEE



EV 028722082 US

UNITED STATES POSTAL SERVICE®

ORIGIN (POSTAL USE ONLY)	
PO ZIP Code	Day of Delivery
100 21	Next <input checked="" type="checkbox"/> Second <input checked="" type="checkbox"/>
Date In	Postage
4 1702	\$ 16.55
Time In	Return Receipt Fee
2104	
Weight	Int'l Alpha Country Code
14	
No Delivery	Acceptance Clerk Initials
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	970
Total Postage & Fees	
\$ 16.55	

SEE REVERSE SIDE FOR SERVICE GUARANTEE AND LIMIT ON INSURANCE COVERAGE	
WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if no signature is requested. If wish delivery to be made without obtaining signature of addressee, addresser's agent (if delivery employee suggests that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.	
<input checked="" type="checkbox"/> NO DELIVERY	<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday
Customer Signature	



Customer Copy
Label 11-F August 2000

CUSTOMER USE ONLY	
METHOD OF PAYMENT:	
Express Mail Corporate Acct. No.	
FROM: (PLEASE PRINT)	TO: (PLEASE PRINT)
PHONE () 212 527 7792	PHONE ()
DARBY & DARBY PC	ASSISTANT COMMISSIONER
805 3RD AVE FL 27	FOR PATENTS
NEW YORK NY 10022-7513	WASHINGTON DC 20231-9998
Response	

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com